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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

9 PARNELL COLVIN,
10 Plaintiff.

CASE NO: 2:22: CV-01928-CDS-NJK

MOTION FOR RECUSAL UNDER
28 U.S.C. SS 144 section 455

11 VS.
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13 TAKO LLC,
14 DEFENDANT.
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18 COMES NOW Plaintiff Parnell Colvin , and is denanding that Judge Cristina D. Silva
19 recuse from hearing present case and motions for her complete bias and prejudice towards
20 plaintiff Colvin in his prior case and present case . Once Plaintiff Colvin filed his current complaint
21 he knew he would get unfair treatment from Judge Silva, who in his last case did everything she
22 could to make sure she would do everything she could to dismiss and always ruled in favor of
23 the defendant Tako LLC. Unfortunately Colvin, finds himself back in front of the same judge
24 Silva who he believes completely sabotaged his last case is now the same judge again
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1 Plaintiff Colvin also is going to file a complaint against Judge Silva, misconduct with the
2 Judicial Conduct or Disability . During Colvin last case with the same defendant TakoLLc, and
3 Judge Silva presiding over said case. The court went above and beyond fairness to accommodate
4 the defendant at every opportunity. While always restricting Plaintiff Colvin ability to defendant his
5 complaint. Judge Silva allowed the defendant to smear, attack and provide false statements about
6 the case and attack and assassinate Colvin character Colvin had requested an extention to file his
7 Judge Silva, .

10 When palintiff Colvin requested an extention to file his answer the court denied him mulitple
11 times. Stating that Colvin request was moot because the court had dismissed the defendant
12 motion. This was not the basis of Colvin request it was for time needed instead of ruling on Colvin
13 motion Judge Silva just kept ignoring Colvin requests and Colvin had to file many times to seek
14 such a common request but Judge Silva would keep denying Colvin requests on false grounds.
15 Finally Colvin filed another request and did not add any other arguments to his motion knowing this
16 would force Judge Silva to have to rule on the motion itself and not on any other arugments in
17 Colvin motions.

21 What Judge Silva would do is address all the aruments in Colvin motions but intentionally ignor
22 his requests for extentions to file ansewrs. Because Colvin did not include any other arguments in
23 his motion it made Jude Silva have to address his request. This took about three weeks or more
24 to finally get such a simple and common request however in the courts oder Judge Silva stated that
25 plaintiff Colvin can get time to respond but cant address defendant attorney Taylor Simpson, attacks
26 on Colvin that he stated in his pleadings which was attacking Colvin who has a right to respond.
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1 Colvin was able to see early on the bias and prejudice of Judge Silva so Colvin filed a motion
2 to request Judge Silva recuse herself from plaintiff Colvin case on many occasions again Judge
3 Silva would not rule on the the issue instead continued to ignor that part in Colvin motions on many
4 occasions. Colvin was having a medical condiction that requires him to have surgery so he made
5 another request for medical reasons Judge Silva, quickly denied Colvin request. At the present
6 time Colvin has a trial that was taking place with the National Labor Relation Board this case has
7 been pending since (2018). Colvin needed time to prepare for trial which started
8 November 8, 2022 and requested time to file his ansewr.
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12 Colvin had filed for an extention and submitted a copy of the court order stating the time and
13 date when the trial would start. While Colvin had had his motion requesting recusal the whole time
14 Judge Silva never ruled on it. Instead she retaliated and dismissed Colvin complaint with prejudice
15 and never ruled on his motion that was pending over a month. Judge Silva, was always threatening
16 Colvin with some advers action it would take Colvin believes this is Judge Silva abusing her
17 position of power and authority to intimidate Colvin. The general Counsel from the
18 National Labor Relation Board had informed Colvin that some one from Judge Silva office had
19 called and was asking questions how long the (NLRB) trial would take this conduct is highly
20 inappropriate especially since colvin submitted the trial order with his request for an extention as
21 proof off the case and trial.
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1 More urgent his the fact take defendant attorney Taylor Simpson, has court shopping to see
2 if you can get a judge to rule in his favor. Lately he filed a writ of restitution in the Eight Judicial
3 Court of the state of Nevada. During the hearing Judge Maria Gall made reference to defence
4 attorney Talor Simpson that he should have no worries that Judge Gall knows judge Silva and soon
5 as my motion for removal reaches Judge Silva she would immediatley remand case back to state
6 court. Judge Gall also stated to defendant attorney Taylor Simpson take she is in the court seat that
7 Judge Silva used to preside in and once she remands back she would get the case on docket within
8 a day.
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12 Judge Gall was clearly sending a singal to attorney Taylor Simpson that there is a effort to
13 make sure that the defendant succeeds at all costs even if it violates all Colvin rights. Clearly there
14 is a connection between the judges Gall and Judge Silva. Colvin believes their an conspiracy efforts
15 between the two courts to help the defendants Tako LLC win there case at any cost this is a conflict
16 of interests , bias and prejudice at the highest levels and Judge Silva must recuse herself from this
17 case immediately and take no action on this case. This should be left to a new appointed judge it is
18 clear to Colvin that Judge Silva cant and want be fair or impartial. Colvin believes Judge Silva has
19 already made up her mind and is merely going to the stages to make it seem she is fair but she is
20 not.
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23 The conduct of Judge Silva is very concering and troubleson a judge like this should not be
24 sitting on the bench a federal judge is a powerful position and if abused can do great harm to
25 litigants like Colvin who the courts can take advantage of them because they are not attorneys.
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1 Judge Silva latest actions calls for Colvin to respond to another false claim made by the defendant
2 Colvin wants to make sure this is not his response to yet another ridiculous and false claim made
3 by attorney Taylor Simpson who is deperate and is filing anything to help his clients win even if
4 that includes lying to the courts and trying to overwhelm the court to believe his many lies.
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7 What's even more troubling is Judge Silva once again is giving minimal time to respond and as
8 usual threatening to grant the defendant motion on the assumption that health officials will likely
9 condemn the property at some point Judge Silva you have to use some common sense.
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11 Tako LLC did not submit one document in its filing to even suggest that the property is even in the
12 process of being condemned. But yet Judge Silva you have ordered me to respond to another false
13 statement again Taylor Simpson has lied to this court he is simply trying to have the court shocked
14 by some photos .
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17 Health officials are not even involved in any process to condemn the property I challenge the
18 court to ask the defendant where is this document? Also the defendant shows some pictures of a
19 empty pool and pictures of the property that shows and proves nothing. Colvin is in construction
20 over 30 years of experience unlike the defendant and their attorney Taylor Simpson I have been
21 involved in some of the biggest projects in the country including the Raiders stadium, Resorts World,
22 Sphere and numerous construction projects. I am qualified to attest to areas of construction. where
23 as the defendants have no experience in this area. The defendant just put together a emergency
24 motion with pictures and my own evidence to try and make a case to this court.
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1 Also Taylor Simpson has lied and stated in is filing page 3 himself and client Tako LLC has
2 attempted on several occasions in the recent weeks to contact Mr. Colvin and to seek an
3 amicable resolution to this matter. However Tako has been unable to resolve the matter without
4 without court intervention." This whole false statement by Taylor Simpson is yet another lie to this
5 court. The defendant and Taylor Simpson has Colvin's email, cell number address they have never
6 attempted to contact Colvin. I again request the court to make the defendant produce some
7 evidence and stop just making yet another false statement. I am requesting the court to impose the
8 same fair treatment like it do me to also impose some proof of these false statements being made
9 by Taylor Simpson.
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13 Also since the defendant claims they tried to resolve this even though they not attempt any
14 contract with Colvin and since it stated a resolution Colvin only learned about this in the defendant
15 motion. The court should order mediation and Colvin will participate since the defendant stated they
16 tried to resolve this so mediation sounds good so the court should order it and let's see if the
17 defendants were serious or just stating another lie to the court Colvin is ready and willing to
18 participate to bring this case to a close. All it takes is for the court to order mediation and I believe
19 this lawsuit can be resolved. In the event the defendant suddenly don't want to engage in
20 mediation Colvin will keep pursuing his case against the defendant.
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1 Colvin is going to hiring an attorney to deal with this case today November 18,2022
2 plaintiff spoke with the attorney he will retain and that called the defendant attorney
3 Taylor Simpson and I want go into to all the details but Taylor Simpson soke of Colvin in a very
4 disrespectful manner and calling Colvin some nasty names. So much that Colvin attorney to be
5 was offended at his language. More disturbing was the fact that Taylor Simpson confirmed what
6 Colvin already believed. Mr. Simspson stated that all the judges were madd and tired of my filings
7 this is clearly a conspiracy to deny Colvin justice and violate all his rights.
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10 It is funny how attorneys like Taylor Simpson lie file frivolous , lawsuits, motion and even lie
11 in court documents but then a citizen like myself is exercising my constitutional rights that
12 somehow Colvin is taking advantage of the system when attorneys do it on a routin basis. I have the
13 right to legally fight any case against me and I am using the available laws the courts and
14 attorneys are made because I want just lay down and let the system take advantage of me or my
15 rights. I can challenge any claim brought against me this is the United States of America all
16 citizens are entittled to due process of the laws. Colvin will not just let the system or judges violate
17 his rights or try and lable his as some one that is abusing the system no Colvin is standing up and
18 using his rights to seek justice and those higher up in the court system have a problem with it.
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22 Colvin will continue to use his due process rights guaranteed by the constitution that give him
23 the right to fight injustices and to stand his ground and not just submit because a attorney like
24 Taylor Simpson says so. He and the judges that have a problem with the justice system can
25 always retire. But I want let any one violate my rights and I will stand my ground and fight !
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1 TITLE 28 of the United States Code (the " Judicial Code") provides standards for judicial
2 disqualification or recusal. The official rule state that " any justice, judge, or magistrate judge of the
3 United States shall disqualify himself in any proceedings in which his imparartiality might reasonably
4 be questioned. " Both federal and state law holds that judges must recuse themselves if there
5 are grounds to do so. Judges are subject subject to punishment for not recusing themselves.
6 The reason for recusal is simple, a judge has a duty of fairness when imparting justice justice and
7 making judgments as they preside over a case. Thus at the time a judge learns of their assignment
8 to a case, the judge should review the facts of the case and decide whether there is are any conflicts
9 of interests. Rearding this case their are many conflicts of interests Judge Gall and Judge Silva
10 apparent relationship and the fact that state judge Gall was confident in what action Judge Silva
11 would take to remand Colvin case back to state court.
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15 Judge Silva clearly gives every advatage to the defendant Tako LLC and there attorney
16 and always state some firm of adverse action she will take against Colvin. Judge Silva entertains
17 complete bogus lies and attempts made by the defendant . Please see exhibit #(1).
18 MINUTE ORDER IN CHAMBERS of the Hororable Judge Cristina D. Silva, this order is so bogus
19 the defendant offered no proof of any form from any health officials. However that did not stop
20 Judge Silva from having me respond to a baseless claim when there is nothing from any
21 health officials. This is yet again Judge Silva going above and beyond reason to have me respond
22 so again she can rule in favor of the defendant Tako LLC. I ask Judge Silva how do one respond
23 to something that is clearly not in the record let alone no document to support defendant claims.
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1 Colvin can move for judge Silva to recuse herself on the grounds of partiality or the
2 apperance of partiality. Improper denial of these motions can deprive citizens of their right to a
3 " neutral and detached judge." and diminish public trust in the judicial system.

4 The statue 28 U.S.C. Section 144 deals with the bias or prejudice of a judge. Section 455 deals with
5 disqualification of a justice, judge, or magistrate. While section 455 overlaps and subsumes section
6 144, there are important differences between the two sections. Section 144 deals exclusively with
7 actual bias, whereas section 455 deals with bias as well as other specific conflicts of interest and
8 the appearance of partiality. Section 144 is triggered by a partys affidavit while section 455 may be
9 invoked by motion and requires judges to recuse sua sponte. section 144 applies only to district
10 judges while section 455 applies to any justice, judge, or magistrate
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14 For the reasons stated in Colvin motion to have Judges Silva recuse herself is warranted
15 and justified for all the reason within this motion. In the event Judge Silva refuses to recuse
16 herself from said case. Colvin will file a motion to pause case and file an emergency with the
17 United States Court of Appeals for the 9 district requesting that Judge Silva be removed from
18 Colvin case. Colvin is also requesting the court santion Taylor Simpson for continuing to
19 undermine the legal process with his intentionally knowinging he is stated lies in motions.
20 These same Attorney Taylor Simpson has also filed a fraudulent , forged document and identity
21 theft of Ms Brown thruht the use of wire transfer which is a federal crime. Ms Brown has an
22 interests in these proceeding so defendants are wrong when it said only the named person are
23 interested parties.
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1 Colvin has made the case for immediate recusal of Judge Silva she should have no dealings
2 ith case her prior bias and prejudice views and action continue with this case. Colvin has the right
3 to have a fair impartial judge presiding over his case not one like Judge Silva who clearly has
4 taaken a person interest in this case. The motion should be ruled on immediately and not be put on
5 the back burner like Judge Silva did Colvin last motion for recusal where she never ruled on the
6 motion despite it being filed more than a month. Judge Silva just ignored Colvin motion and when
7 she seen an opportunity to dismiss Colvin case with prejudice she took that route so she would not
8 have to rule on Colvin. Motion This motion is only address the recusal Colvin will file his answer
9 to the courts oder November 21, 22022 as stated in the minute order.
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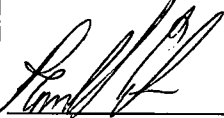
13 Hopefully be then Judge Silva will have recused herself and no need to respond to this vauge
14 bogus motion that has no documents to support the claim of property might be condemned
15 by health officicals no such proceedings are even taken place nice try Taylor Simpson but as
16 revern Al Sharpton would say nice try but we got you.
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CERTIFICATION OF SERVICE

I CEERTIFY ON THIS DAY I SERVED A TRUE COPY TO DEFENDANT BY PLACING SAID
MOTION IN US MAIL TO THE FOLLOWING PERSON.

KERR SIMPSON ATTORNEYS AT LAW
TAYLOR SIMPSON
2900 W. HERIZON RIDGE PARKWAY
HENDERSON, NV 89052

DATED THIS NOVEMBER 18, 2022



PARNELL COLVIN

EXHIBIT X1

Activity in Case 2:22-cv-01928-CDS-NJK Colvin v. Tako, LLC Minute Order

From: cmecf@nvd.uscourts.gov

To: cmecfhelpdesk@nvd.uscourts.gov

Date: Thursday, November 17, 2022 at 03:11 PM PST

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered on 11/17/2022 at 3:11 PM PST and filed on 11/17/2022

Case Name: Colvin v. Tako, LLC

Case Number: 2:22-cv-01928-CDS-NJK

Filer:

Document Number: 6(No document attached)

Docket Text:

MINUTE ORDER IN CHAMBERS of the Honorable Judge Cristina D. Silva on 11/17/2022.

Defendant Tako, LLC seeks an emergency remand to state court due to a sewer/septic tank flood at the property at issue in this action. ECF No. [4]. Tako believes that health officials will likely condemn the property if immediate action is not taken. ECF No. 4-1 at 2. IT IS THEREFORE ORDERED that plaintiff Parnell Colvin must filed his response to the motion on an expedited basis, by November 21, 2022, at 5:00 p.m. Failure to respond by that deadline could result in my granting of the remand motion without further notice.

(no image attached) (Copies have been distributed pursuant to the NEF - JLB)

2:22-cv-01928-CDS-NJK Notice has been electronically mailed to:

P. Sterling Kerr sterling@kerrsimpsonlaw.com, george@sterlingkerrlaw.com, jennifer@sterlingkerrlaw.com, lisa@sterlingkerrlaw.com, maury@sterlingkerrlaw.com, taylor@sterlingkerrlaw.com

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